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COMMISSION

July 19, 2016

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Daniel A. Petalas
Acting General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

OFFICE OF GENERAL
COUNSEL

Re: Complaint Against Joe Garcia and Joe Garcia Congress

Dear Mr. Petalas:

We respectfully file this complaint against Joe Garcia a candidate for the U.S. House from Florida's 26th Congressional District, Joe Garcia for Congress as his designated principal campaign committee, and Roland Sanchez-Medina in his official capacity as treasurer (collectively "Garcia" or "Garcia campaign") for violating the Federal Election Campaign Act of 1971, as amended (the "Act"), and the Federal Election Commission's (the "Commission") Regulations.

Relevant Facts

Garcia has been a candidate since March 10, 2016. His campaign committee, Joe Garcia for Congress filed its Statement of Organization on the same day. While the Garcia campaign was able to comply with its quarterly filing requirements on its first attempt in April, the Garcia campaign came up short on its second attempt. The Garcia campaign filed its his July quarterly report on July 16, 2016, which is beyond the deadline established by the Commission.

Applicable Law

A candidate means an individual who seeks nomination for election, or election, to federal office. See 11 CFR § 100.3 Each treasurer of a principal campaign committee of a candidate for the House of Representatives or for the Senate must file quarterly reports on the dates specified. See 11 CFR 104.5(a)(1). Quarterly reports must be filed no later than the 15th day following the close of the immediately preceding calendar quarter. For the quarter ending on June 30, 2016, quarterly reports were due. July 15, 2016.

Knowing and willful violations of federal campaign finance laws are not taken lightly by the Commission. If the Commission determines that there is probable cause to believe that a knowing and willful violation has occurred in a matter, it may refer such apparent violation to the Attorney General of the United States for criminal prosecution. 52 U.S.C. § 30109(a)(5)(C).

Analysis

Based on the facts, it is clear that Garcia has failed to timely file his July quarterly report with the Commission. The Commission's regulations clearly state that July quarterly reports are due on July 15, 2016, however the Garcia campaign was unable or unwilling to comply.

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The Commission's Regulations establish the filing deadlines for a reason. It is important to maintain accountability for campaigns and ensure transparency for citizens. By failing to meet its requirements, the Garcia campaign not only shirked its responsibilities under the law, it has denied the citizens of Florida's 26th district their right to timely receive such information.

While unavailing, Garcia may not even claim ignorance as the root of this violation. Given that Garcia is seemingly attempting to be a career politician, having previously run for office four times, albeit only succeeding once, it seems unlikely that he would not have learned that reports must be submitted to the Commission on a quarterly basis. Garcia was almost surely aware of the requirements, so it is unclear whether Garcia purposely decided to flout the law or whether he is simply unable to keep up with it.

However, considering his campaign's history of breaking the law, the Garcia campaign has obliterated the benefit of the doubt. Whether it be funding a third party candidate that spent thousands of dollars and never filed with the Commission in an attempt to siphon votes from a competitor,¹ or participation in a fraudulent absentee ballot scheme that led to his campaign manager serving jail time,² Garcia's campaigns have demonstrated a pattern of dishonesty. While he has not had much success at the ballot box, it appears that there is no law too big or too small for his campaign to ignore if there is belief that it will give him an edge.

Treasurer Liability

In January 2005, the Commission approved a policy statement regarding treasurers in enforcement proceedings. In it, the Commission explained that:

in enforcement actions where a political committee is a respondent, the committee's treasurer will typically be subject to Commission action only in his or her official capacity. However, when information indicates that a treasurer has knowingly and willfully violated the Federal Election Campaign Act (the Act), recklessly failed to fulfill duties specifically imposed by the Act or intentionally deprived himself or herself of facts giving rise to the violation, the Commission will consider the treasurer to have acted in a personal capacity and make findings accordingly.

See Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3 (Jan. 3, 2005).

¹ Marc Caputo and Patricia Mazzei, Miler links mystery candidate to Rep. Joe Garcia camp, Miami Herald (June 12, 2013) available at <http://www.miamiherald.com/news/state/article1952424.html>.

² Patricia Mazzei, Jeffrey Garcia, ex-aide to Rep. Joe Garcia, pleads guilty, will serve 90 days in jail, Miami Herald (October 21, 2013), available at <http://www.miamiherald.com/news/local/community/miami-dade/article1956542.html#storylink=cpy>.

Conclusion

In light of the foregoing, we respectfully request that the Commission take steps to immediately investigate the potential violations outlined above by Joe Garcia, Joe Garcia for Congress, and Roland Sanchez-Medina in his official capacity as treasurer pursuant to 52 U.S.C. § 30109(a)(2). In doing so, the Commission should find reason to believe Garcia, Joe Garcia for Congress, and Roland Sanchez-Medina have violated the Act and the Commission's regulations, determine and impose appropriate sanctions for any and all violations. The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,

Nelson D. Diaz

Chairman, Republican Party of Miami-Dade County

Signed and sworn before me this 27 day of July, 2012



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